

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SUSAN HALL,	:	
	:	Civil No. 02-0968 (AET)
Plaintiff,	:	
	:	
v.	:	<u>MEMORANDUM AND ORDER</u>
	:	
J.C. PENNEY, et al.,	:	
	:	
	:	
Defendants.	:	
	:	

THOMPSON, U.S.D.J.

I. Introduction

This matter comes before the Court on Plaintiff's motion to re-open the case, previously administratively dismissed. The Court has decided this uncontested motion based upon the submission of the Plaintiff and without oral argument, pursuant to Fed. R. Civ. P. 78. Plaintiff's motion to re-open is granted.

II. Background

Plaintiff brought this suit against her former employer J.C. Penney, when she allegedly tripped in its store and injured her knee. This case had been in discovery when Plaintiff's treating physician recommended that Plaintiff receive knee replacement surgery. In September of 2002, Plaintiff moved to have the case administratively dismissed without prejudice to allow her to undergo surgery and rehabilitation.

Currently, Plaintiff has completed the surgery, and a full course of rehabilitation, and

seeks to re-open the case.

III. Discussion

Administrative termination is often employed by a court to “get a case off its ‘plate’” pending some later occurrence that would make it ready to be heard. See Walsh Sec., Inc. v. Cristo Property Mgmt., No. Civ. A. 97-3496, 2006 WL 166491, at *5 (D.N.J. Jan. 23, 2006). A court may order such a termination when the plaintiff is unavailable for a period of time. Caver v. City of Trenton, 420 F.3d 243, 252 n.6 (3d Cir. 2005) (terminating a proceeding because one of the plaintiffs was activated for military duty overseas). Such was the case here, as Plaintiff was anticipating undergoing surgery. Because the condition for the administrative termination is no longer applicable, the Court hereby orders the case to be re-opened.

IV. Conclusion

For the reasons given above, and for good cause shown,

It is on this 29th the day of September 2006,

ORDERED that Plaintiff’s Motion to Re-Open [8] is **GRANTED**.

s/Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.